

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1, 2, 4-13, 24-28 and 31-33 are pending. Claims 3, 14-23 and 29-30 have been canceled without any prejudice and disclaimer to the subject matter. Claims 1, 12, 25, and 27-28, which are independent, are hereby amended. Support for the amendment is provided throughout the Specification, specifically at pages 28 and 29.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

**II. DOUBLE PATENTING**

Claims 1, 2, 4-13, 24-28, and 30-33 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 12-15, and 20-23 of copending Application No. 11/787,368 and further in view of U.S. Patent No. 6,353,702 to Ando, et al.

Applicants submit that the claims, as amended, are distinct in view of claims 1, 12-15 and 20-23 of copending Application No. 11/787,368. Applicants respectfully request the double patenting injection be withdrawn.

### **III. REJECTIONS UNDER 35 U.S.C. §112, §101, §102(b), AND §103(a)**

Claim 2 was rejected under 35 U.S.C. §112, as allegedly being indefinite.

Claims 13, 28, and 30 were rejected under 35 U.S.C. §112, as allegedly being indefinite.

Claims 13, 28, and 30 were rejected under 35 U.S.C. §101, as allegedly being directed to non-statutory matter.

Claims 1, 2, 4, 6, 12-13, and 25-32 were rejected under 35 U.S.C. §102(e), as allegedly being anticipated by U.S. Patent No. 6,353,702 to Ando, et al. (hereinafter, merely “Ando”).

Claims 5, 7-9, 11, 24, and 33 were rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Ando in view of U.S. Patent No. 6,580,872 to Kikuchi, et al. (hereinafter, merely “Kikuchi”).

Claim 10 was rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over Ando in view of U.S. Patent No. 5,642,174 to Kazui, et al. (hereinafter, merely “Kazui”).

### **IV. RESPONSE TO REJECTIONS**

#### **A. Rejections Under 35 U.S.C. §112**

Claim 2 recites “a Clipinformation file” and “a Playlist File”, which do not require antecedent basis. Withdrawal of the rejection is requested.

Claims 13 and 28 recite “a computer-readable medium”, which is supported in the Specification, specifically at paragraphs [0648]-[0649]. Withdrawal of the rejections are requested.

B. Rejections Under 35 U.S.C. §101

Claims 13 and 28 are amended, thereby obviating the rejections.

C. Rejections Under 35 U.S.C. §102(b)

Claim 1 recites, *inter alia*:

“An information processing apparatus comprising:

wherein the PlayList comprises a Real PlayList and a Virtual PlayList, the Real PlayList co-owning a stream portion referenced by the Real Playlist, the Virtual PlayList not co-owning a stream portion referenced by the Virtual PlayList.  
(Emphasis added)

As understood by Applicants, Ando relates to an information storage medium capable of recording and playing back still picture information. A first information unit having one still picture information and a first group unit composed of a set of first information units and having a plurality of pieces of still picture information.

Applicants respectfully submit that Ando fails to suggest or teach the above identified features of claim 1. Specifically, there is no teaching of “wherein the PlayList comprises a Real PlayList and a Virtual PlayList, the Real PlayList co-owning a stream portion referenced by the Real Playlist, the Virtual PlayList not co-owning a stream portion referenced by the Virtual PlayList”, as recited in claim 1 (emphasis added).

Indeed, claim 1 recites a Real PlayList and a Virtual PlayList and the Real PlayList co-owning a stream portion referenced by the Real PlayList and the Virtual PlayList not

co-owning a stream portion referenced by the Virtual PlayList. None of the references relied by the Office Action discloses or suggests the above-identified features of claim 1.

Therefore, Applicants submit that claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 12, 13, 25, and 27-28 are also patentable.

#### V. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

#### CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment,  
to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the  
claims in this application are patentable and Applicants respectfully request early passage to issue  
of the present application.

Respectfully submitted,  
FROMMERM LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800